

FIRST REGULAR SESSION

SENATE BILL NO. 525

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2155S.01I

AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to the regulation of certain off-highway vehicles.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand **five hundred** pounds or less, traveling on three, four or more [low pressure] **nonhighway** tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

21 and boat hulls;

22 (5) "Body shop", a business that repairs physical
23 damage on motor vehicles that are not owned by the shop or
24 its officers or employees by mending, straightening, replacing
25 body parts, or painting;

26 (6) "Bus", a motor vehicle primarily for the
27 transportation of a driver and eight or more passengers but
28 not including shuttle buses;

29 (7) "Commercial motor vehicle", a motor vehicle
30 designed or regularly used for carrying freight and
31 merchandise, or more than eight passengers but not including
32 vanpools or shuttle buses;

33 (8) "Cotton trailer", a trailer designed and used
34 exclusively for transporting cotton at speeds less than forty
35 miles per hour from field to field or from field to market
36 and return;

37 (9) "Dealer", any person, firm, corporation,
38 association, agent or subagent engaged in the sale or
39 exchange of new, used or reconstructed motor vehicles or
40 trailers;

41 (10) "Director" or "director of revenue", the director
42 of the department of revenue;

43 (11) "Driveaway operation":

44 (a) The movement of a motor vehicle or trailer by any
45 person or motor carrier other than a dealer over any public
46 highway, under its own power singly, or in a fixed
47 combination of two or more vehicles, for the purpose of
48 delivery for sale or for delivery either before or after
49 sale;

50 (b) The movement of any vehicle or vehicles, not owned
51 by the transporter, constituting the commodity being
52 transported, by a person engaged in the business of
53 furnishing drivers and operators for the purpose of
54 transporting vehicles in transit from one place to another by
55 the driveaway or towaway methods; or

56 (c) The movement of a motor vehicle by any person who
57 is lawfully engaged in the business of transporting or
58 delivering vehicles that are not the person's own and
59 vehicles of a type otherwise required to be registered, by
60 the driveaway or towaway methods, from a point of
61 manufacture, assembly or distribution or from the owner of

62 the vehicles to a dealer or sales agent of a manufacturer or
63 to any consignee designated by the shipper or consignor;

64 (12) "Dromedary", a box, deck, or plate mounted behind
65 the cab and forward of the fifth wheel on the frame of the
66 power unit of a truck tractor-semitrailer combination. A
67 truck tractor equipped with a dromedary may carry part of a
68 load when operating independently or in a combination with a
69 semitrailer;

70 (13) "Farm tractor", a tractor used exclusively for
71 agricultural purposes;

72 (14) "Fleet", any group of ten or more motor vehicles
73 owned by the same owner;

74 (15) "Fleet vehicle", a motor vehicle which is included
75 as part of a fleet;

76 (16) "Fullmount", a vehicle mounted completely on the
77 frame of either the first or last vehicle in a saddlemount
78 combination;

79 (17) "Gross weight", the weight of vehicle and/or
80 vehicle combination without load, plus the weight of any load
81 thereon;

82 (18) "Hail-damaged vehicle", any vehicle, the body of
83 which has become dented as the result of the impact of hail;

84 (19) "Highway", any public thoroughfare for vehicles,
85 including state roads, county roads and public streets,
86 avenues, boulevards, parkways or alleys in any municipality;

87 (20) "Improved highway", a highway which has been paved
88 with gravel, macadam, concrete, brick or asphalt, or surfaced
89 in such a manner that it shall have a hard, smooth surface;

90 (21) "Intersecting highway", any highway which joins
91 another, whether or not it crosses the same;

92 (22) "Junk vehicle", a vehicle which is incapable of
93 operation or use upon the highways and has no resale value
94 except as a source of parts or scrap, and shall not be titled
95 or registered;

96 (23) "Kit vehicle", a motor vehicle assembled by a
97 person other than a generally recognized manufacturer of
98 motor vehicles by the use of a glider kit or replica
99 purchased from an authorized manufacturer and accompanied by
100 a manufacturer's statement of origin;

101 (24) "Land improvement contractors' commercial motor
102 vehicle", any not-for-hire commercial motor vehicle the

103 operation of which is confined to:

104 (a) An area that extends not more than a radius of one
105 hundred miles from its home base of operations when
106 transporting its owner's machinery, equipment, or auxiliary
107 supplies to or from projects involving soil and water
108 conservation, or to and from equipment dealers' maintenance
109 facilities for maintenance purposes; or

110 (b) An area that extends not more than a radius of
111 fifty miles from its home base of operations when
112 transporting its owner's machinery, equipment, or auxiliary
113 supplies to or from projects not involving soil and water
114 conservation.

115 Nothing in this subdivision shall be construed to prevent any
116 motor vehicle from being registered as a commercial motor
117 vehicle or local commercial motor vehicle;

118 (25) "Local commercial motor vehicle", a commercial
119 motor vehicle whose operations are confined solely to a
120 municipality and that area extending not more than fifty
121 miles therefrom, or a commercial motor vehicle whose
122 property-carrying operations are confined solely to the
123 transportation of property owned by any person who is the
124 owner or operator of such vehicle to or from a farm owned by
125 such person or under the person's control by virtue of a
126 landlord and tenant lease; provided that any such property
127 transported to any such farm is for use in the operation of
128 such farm;

129 (26) "Local log truck", a commercial motor vehicle
130 which is registered pursuant to this chapter to operate as a
131 motor vehicle on the public highways of this state, used
132 exclusively in this state, used to transport harvested forest
133 products, operated solely at a forested site and in an area
134 extending not more than a one hundred-mile radius from such
135 site, carries a load with dimensions not in excess of
136 twenty-five cubic yards per two axles with dual wheels, and
137 when operated on the national system of interstate and
138 defense highways described in Title 23, Section 103(e) of the
139 United States Code, such vehicle shall not exceed the weight
140 limits of section 304.180, RSMo, does not have more than four
141 axles, and does not pull a trailer which has more than two
142 axles. Harvesting equipment which is used specifically for
143 cutting, felling, trimming, delimiting, debarking, chipping,

144 skidding, loading, unloading, and stacking may be transported
145 on a local log truck. A local log truck may not exceed the
146 limits required by law, however, if the truck does exceed
147 such limits as determined by the inspecting officer, then
148 notwithstanding any other provisions of law to the contrary,
149 such truck shall be subject to the weight limits required by
150 such sections as licensed for eighty thousand pounds;

151 (27) "Local log truck tractor", a commercial motor
152 vehicle which is registered under this chapter to operate as
153 a motor vehicle on the public highways of this state, used
154 exclusively in this state, used to transport harvested forest
155 products, operated solely at a forested site and in an area
156 extending not more than a one hundred-mile radius from such
157 site, operates with a weight not exceeding twenty-two
158 thousand four hundred pounds on one axle or with a weight not
159 exceeding forty-four thousand eight hundred pounds on any
160 tandem axle, and when operated on the national system of
161 interstate and defense highways described in Title 23,
162 Section 103(e) of the United States Code, such vehicle does
163 not exceed the weight limits contained in section 304.180,
164 RSMo, and does not have more than three axles and does not
165 pull a trailer which has more than two axles. Violations of
166 axle weight limitations shall be subject to the load limit
167 penalty as described for in sections 304.180 to 304.220,
168 RSMo;

169 (28) "Local transit bus", a bus whose operations are
170 confined wholly within a municipal corporation, or wholly
171 within a municipal corporation and a commercial zone, as
172 defined in section 390.020, RSMo, adjacent thereto, forming
173 a part of a public transportation system within such
174 municipal corporation and such municipal corporation and
175 adjacent commercial zone;

176 (29) "Log truck", a vehicle which is not a local log
177 truck or local log truck tractor and is used exclusively to
178 transport harvested forest products to and from forested
179 sites which is registered pursuant to this chapter to operate
180 as a motor vehicle on the public highways of this state for
181 the transportation of harvested forest products;

182 (30) "Major component parts", the rear clip, cowl,
183 frame, body, cab, front-end assembly, and front clip, as
184 those terms are defined by the director of revenue pursuant

185 to rules and regulations or by illustrations;

186 (31) "Manufacturer", any person, firm, corporation or
187 association engaged in the business of manufacturing or
188 assembling motor vehicles, trailers or vessels for sale;

189 (32) "Mobile scrap processor", a business located in
190 Missouri or any other state that comes onto a salvage site
191 and crushes motor vehicles and parts for transportation to a
192 shredder or scrap metal operator for recycling;

193 (33) "Motor change vehicle", a vehicle manufactured
194 prior to August, 1957, which receives a new, rebuilt or used
195 engine, and which used the number stamped on the original
196 engine as the vehicle identification number;

197 (34) "Motor vehicle", any self-propelled vehicle not
198 operated exclusively upon tracks, except farm tractors;

199 (35) "Motor vehicle primarily for business use", any
200 vehicle other than a recreational motor vehicle, motorcycle,
201 motortricycle, or any commercial motor vehicle licensed for
202 over twelve thousand pounds:

203 (a) Offered for hire or lease; or

204 (b) The owner of which also owns ten or more such
205 motor vehicles;

206 (36) "Motorcycle", a motor vehicle operated on two
207 wheels;

208 (37) "Motorized bicycle", any two-wheeled or
209 three-wheeled device having an automatic transmission and a
210 motor with a cylinder capacity of not more than fifty cubic
211 centimeters, which produces less than three gross brake
212 horsepower, and is capable of propelling the device at a
213 maximum speed of not more than thirty miles per hour on level
214 ground;

215 (38) "Motortricycle", a motor vehicle operated on three
216 wheels, including a motorcycle while operated with any
217 conveyance, temporary or otherwise, requiring the use of a
218 third wheel. A motortricycle shall not be included in the
219 definition of all-terrain vehicle;

220 (39) "Municipality", any city, town or village, whether
221 incorporated or not;

222 (40) "Nonresident", a resident of a state or country
223 other than the state of Missouri;

224 (41) "Non-USA-std motor vehicle", a motor vehicle not
225 originally manufactured in compliance with United States

226 emissions or safety standards;

227 (42) "Operator", any person who operates or drives a
228 motor vehicle;

229 (43) "Owner", any person, firm, corporation or
230 association, who holds the legal title to a vehicle or in the
231 event a vehicle is the subject of an agreement for the
232 conditional sale or lease thereof with the right of purchase
233 upon performance of the conditions stated in the agreement
234 and with an immediate right of possession vested in the
235 conditional vendee or lessee, or in the event a mortgagor of
236 a vehicle is entitled to possession, then such conditional
237 vendee or lessee or mortgagor shall be deemed the owner for
238 the purpose of this law;

239 (44) "Public garage", a place of business where motor
240 vehicles are housed, stored, repaired, reconstructed or
241 repainted for persons other than the owners or operators of
242 such place of business;

243 (45) "Rebuilder", a business that repairs or rebuilds
244 motor vehicles owned by the rebuilder, but does not include
245 certificated common or contract carriers of persons or
246 property;

247 (46) "Reconstructed motor vehicle", a vehicle that is
248 altered from its original construction by the addition or
249 substitution of two or more new or used major component
250 parts, excluding motor vehicles made from all new parts, and
251 new multistage manufactured vehicles;

252 (47) **"Recreational off-highway vehicle", any motorized**
253 **vehicle manufactured and used exclusively for off-highway use**
254 **which is sixty inches or less in width, with an unladen dry**
255 **weight of one thousand five hundred pounds or less, traveling**
256 **on four or more nonhighway tires, with a nonstraddle seat,**
257 **and steering wheel, which are subject to the same**
258 **registration requirements and trail use as all-terrain**
259 **vehicles;**

260 (48) "Recreational motor vehicle", any motor vehicle
261 designed, constructed or substantially modified so that it
262 may be used and is used for the purposes of temporary housing
263 quarters, including therein sleeping and eating facilities
264 which are either permanently attached to the motor vehicle or
265 attached to a unit which is securely attached to the motor

266 vehicle. Nothing herein shall prevent any motor vehicle from
267 being registered as a commercial motor vehicle if the motor
268 vehicle could otherwise be so registered;

269 [(48)] (49) "Rollback or car carrier", any vehicle
270 specifically designed to transport wrecked, disabled or
271 otherwise inoperable vehicles, when the transportation is
272 directly connected to a wrecker or towing service;

273 [(49)] (50) "Saddlemount combination", a combination
274 of vehicles in which a truck or truck tractor tows one or
275 more trucks or truck tractors, each connected by a saddle to
276 the frame or fifth wheel of the vehicle in front of it. The
277 "saddle" is a mechanism that connects the front axle of the
278 towed vehicle to the frame or fifth wheel of the vehicle in
279 front and functions like a fifth wheel kingpin connection.
280 When two vehicles are towed in this manner the combination is
281 called a "double saddlemount combination". When three
282 vehicles are towed in this manner, the combination is called
283 a "triple saddlemount combination";

284 [(50)] (51) "Salvage dealer and dismantler", a
285 business that dismantles used motor vehicles for the sale of
286 the parts thereof, and buys and sells used motor vehicle
287 parts and accessories;

288 [(51)] (52) "Salvage vehicle", a motor vehicle,
289 semitrailer, or house trailer which:

290 (a) Was damaged during a year that is no more than six
291 years after the manufacturer's model year designation for
292 such vehicle to the extent that the total cost of repairs to
293 rebuild or reconstruct the vehicle to its condition
294 immediately before it was damaged for legal operation on the
295 roads or highways exceeds eighty percent of the fair market
296 value of the vehicle immediately preceding the time it was
297 damaged;

298 (b) By reason of condition or circumstance, has been
299 declared salvage, either by its owner, or by a person, firm,
300 corporation, or other legal entity exercising the right of
301 security interest in it;

302 (c) Has been declared salvage by an insurance company
303 as a result of settlement of a claim;

304 (d) Ownership of which is evidenced by a salvage title;

305 or

306 (e) Is abandoned property which is titled pursuant to
307 section 304.155, RSMo, or section 304.157, RSMo, and
308 designated with the words "salvage/abandoned property".

309 The total cost of repairs to rebuild or reconstruct the
310 vehicle shall not include the cost of repairing, replacing,
311 or reinstalling inflatable safety restraints, tires, sound
312 systems, or damage as a result of hail, or any sales tax on
313 parts or materials to rebuild or reconstruct the vehicle.
314 For purposes of this definition, "fair market value" means
315 the retail value of a motor vehicle as:

316 a. Set forth in a current edition of any nationally
317 recognized compilation of retail values, including automated
318 databases, or from publications commonly used by the
319 automotive and insurance industries to establish the values
320 of motor vehicles;

321 b. Determined pursuant to a market survey of comparable
322 vehicles with regard to condition and equipment; and

323 c. Determined by an insurance company using any other
324 procedure recognized by the insurance industry, including
325 market surveys, that is applied by the company in a uniform
326 manner;

327 [(52)] (53) "School bus", any motor vehicle used
328 solely to transport students to or from school or to
329 transport students to or from any place for educational
330 purposes;

331 [(53)] (54) "Shuttle bus", a motor vehicle used or
332 maintained by any person, firm, or corporation as an
333 incidental service to transport patrons or customers of the
334 regular business of such person, firm, or corporation to and
335 from the place of business of the person, firm, or
336 corporation providing the service at no fee or charge.
337 Shuttle buses shall not be registered as buses or as
338 commercial motor vehicles;

339 [(54)] (55) "Special mobile equipment", every
340 self-propelled vehicle not designed or used primarily for the
341 transportation of persons or property and incidentally
342 operated or moved over the highways, including farm
343 equipment, implements of husbandry, road construction or
344 maintenance machinery, ditch-digging apparatus, stone
345 crushers, air compressors, power shovels, cranes, graders,

346 rollers, well-drillers and wood-sawing equipment used for
347 hire, asphalt spreaders, bituminous mixers, bucket loaders,
348 ditchers, leveling graders, finished machines, motor graders,
349 road rollers, scarifiers, earth-moving carryalls, scrapers,
350 drag lines, concrete pump trucks, rock-drilling and
351 earth-moving equipment. This enumeration shall be deemed
352 partial and shall not operate to exclude other such vehicles
353 which are within the general terms of this section;

354 [(55)] (56) "Specially constructed motor vehicle", a
355 motor vehicle which shall not have been originally
356 constructed under a distinctive name, make, model or type by
357 a manufacturer of motor vehicles. The term specially
358 constructed motor vehicle includes kit vehicles;

359 [(56)] (57) "Stinger-steered combination", a truck
360 tractor-semitrailer wherein the fifth wheel is located on a
361 drop frame located behind and below the rearmost axle of the
362 power unit;

363 [(57)] (58) "Tandem axle", a group of two or more
364 axles, arranged one behind another, the distance between the
365 extremes of which is more than forty inches and not more than
366 ninety-six inches apart;

367 [(58)] (59) "Tractor", "truck tractor" or
368 "truck-tractor", a self-propelled motor vehicle designed for
369 drawing other vehicles, but not for the carriage of any load
370 when operating independently. When attached to a
371 semitrailer, it supports a part of the weight thereof;

372 [(59)] (60) "Trailer", any vehicle without motive
373 power designed for carrying property or passengers on its own
374 structure and for being drawn by a self-propelled vehicle,
375 except those running exclusively on tracks, including a
376 semitrailer or vehicle of the trailer type so designed and
377 used in conjunction with a self-propelled vehicle that a
378 considerable part of its own weight rests upon and is carried
379 by the towing vehicle. The term "trailer" shall not include
380 cotton trailers as defined in subdivision (8) of this section
381 and shall not include manufactured homes as defined in
382 section 700.010, RSMo;

383 [(60)] (61) "Truck", a motor vehicle designed, used,
384 or maintained for the transportation of property;

385 [(61)] (62) "Truck-tractor semitrailer-semitrailer",

386 a combination vehicle in which the two trailing units are
387 connected with a B-train assembly which is a rigid frame
388 extension attached to the rear frame of a first semitrailer
389 which allows for a fifth-wheel connection point for the
390 second semitrailer and has one less articulation point than
391 the conventional A-dolly connected truck-tractor
392 semitrailer-trailer combination;

393 [(62)] (63) "Truck-trailer boat transporter
394 combination", a boat transporter combination consisting of a
395 straight truck towing a trailer using typically a ball and
396 socket connection with the trailer axle located substantially
397 at the trailer center of gravity rather than the rear of the
398 trailer but so as to maintain a downward force on the trailer
399 tongue;

400 [(63)] (64) "Used parts dealer", a business that buys
401 and sells used motor vehicle parts or accessories, but not
402 including a business that sells only new, remanufactured or
403 rebuilt parts. "Business" does not include isolated sales at
404 a swap meet of less than three days;

405 [(64)] (65) "Utility vehicle", any motorized vehicle
406 manufactured and used exclusively for off-highway use which
407 is sixty-three inches or less in width, with an unladen dry
408 weight of one thousand eight hundred fifty pounds or less,
409 traveling on four or six wheels, to be used primarily for
410 landscaping, lawn care, or maintenance purposes;

411 [(65)] (66) "Vanpool", any van or other motor vehicle
412 used or maintained by any person, group, firm, corporation,
413 association, city, county or state agency, or any member
414 thereof, for the transportation of not less than eight nor
415 more than forty-eight employees, per motor vehicle, to and
416 from their place of employment; however, a vanpool shall not
417 be included in the definition of the term bus or commercial
418 motor vehicle as defined by subdivisions (6) and (7) of this
419 section, nor shall a vanpool driver be deemed a chauffeur as
420 that term is defined by section 302.010, RSMo; nor shall use
421 of a vanpool vehicle for ride-sharing arrangements,
422 recreational, personal, or maintenance uses constitute an
423 unlicensed use of the motor vehicle, unless used for monetary
424 profit other than for use in a ride-sharing arrangement;

425 [(66)] (67) "Vehicle", any mechanical device on

426 wheels, designed primarily for use, or used, on highways,
427 except motorized bicycles, vehicles propelled or drawn by
428 horses or human power, or vehicles used exclusively on fixed
429 rails or tracks, or cotton trailers or motorized wheelchairs
430 operated by handicapped persons;

431 [(67)] **(68)** "Wrecker" or "tow truck", any emergency
432 commercial vehicle equipped, designed and used to assist or
433 render aid and transport or tow disabled or wrecked vehicles
434 from a highway, road, street or highway rights-of-way to a
435 point of storage or repair, including towing a replacement
436 vehicle to replace a disabled or wrecked vehicle;

437 [(68)] **(69)** "Wrecker or towing service", the act of
438 transporting, towing or recovering with a wrecker, tow truck,
439 rollback or car carrier any vehicle not owned by the operator
440 of the wrecker, tow truck, rollback or car carrier for which
441 the operator directly or indirectly receives compensation or
442 other personal gain.

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